



STATE OF WASHINGTON
APPLICATION TO ENTER A WATER RIGHT INTO
THE TRUST WATER RIGHT PROGRAM



NOTE: THIS FORM IS **ONLY** TO BE USED FOR THE
ACQUISITION OF WATER INTO THE TRUST WATER RIGHT PROGRAM

(Check all that apply.)

- ☐ Lease
☒ Purchase
☐ Donation
☐ Other

Explain: To the trust program for instream flow enhancement use on a long-term renewable basis, as defined in the July 9, 2008 MOU on Water Marketing and Management of Trust Water Rights in the Yakima River Basin between the U.S. Bureau of Reclamation and the Washington State Department of Ecology.

☐ Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE n/a / /

END DATE n/a / /

(For year-round use)

****IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)****

1. Applicant Information:

APPLICANT/BUSINESS NAME The United States of America, by and through the Bureau of Reclamation	PHONE NO. (509) 575-5848	FAX NO. (509) 454-5611
ADDRESS USBR Columbia-Cascades Area Office, 1917 Marsh Road		
CITY Yakima	STATE WA	ZIP CODE 98901-2058

CONTACT NAME (IF DIFFERENT FROM ABOVE) c/o USBR: Bill Ferry, extension 244; or Stan Isley, ext. 281	PHONE NO. (509) 575-5848	FAX NO. (509) 454-5611
ADDRESS 1917 Marsh Road		
CITY Yakima	STATE WA	ZIP CODE 98901-2058

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER <u>54-83812-J</u> Yakima Adjudication Court Claim No. 02047	RECORDED NAME(S) United States, by and through the Bureau of Reclamation
DO YOU OWN THE RIGHT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS:	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS	

COURT CLAIM 02047 SUB 24 MOXEE 11-10-1964 = 54-83812-J	FOR OFFICE USE ONLY	TEMP LONG-TERM PURCHASE
WATER RIGHT NO. _____	FILE (contract) NO. _____	
CS4-020475624		

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

3. How is Water to be Made Available for Trust?

<input checked="" type="checkbox"/> Alteration in method of diversion	<input checked="" type="checkbox"/> Alteration in water use/ irrigated acreage
<input checked="" type="checkbox"/> Alteration in method of delivery/conveyance	<input checked="" type="checkbox"/> Nonuse of one or more points of diversion
<input type="checkbox"/> Alteration in method of water application	<input checked="" type="checkbox"/> Nonuse of all or a portion of the named water right
<input type="checkbox"/> Alteration in type of crop	<input checked="" type="checkbox"/> Other, Explain below: The purpose of use and place of use
will be changed to instream flow augmentation trust water use in Blue Slough or in the Yakima River.	
Name of funding source(s): Federal Yakima River Basin Water Enhancement Project water acquisition funding.	

WATER RIGHT DESCRIPTION *

4. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Yakima River	1	NE	NW	28	13N.	19E.		
Blue Slough	2	NE	SW	28	13N.	19E.		

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 7 (remarks) or as an attachment.

5. Purpose of Use:

A. Existing Use of the Water Right

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Continuous Fish Propagation and Recreation	2.80 cfs	not quantified (~2,027 af/yr)	Continuously – year-round

B. Proposed Purpose of the Trust Water Right:

DESCRIBE THE PURPOSE(S) OF USE DURING THE PERIOD OF TRUST:	
PURPOSE OF USE	ACRE-FEET/YR
Instream Flow Augmentation Use in Blue Slough or the Yakima River	All of it (~2,027 af/yr)

6. Place of Use:

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:
Parcel A: That portion of the NE1/4SW1/4 of Section 28, T. 13 N., R. 19 E.W.M. lying easterly of the Yakima River and westerly of the westerly right of way line of Keyes Road as disclosed by instrument recorded under Auditor's File No. 1663420, records of Yakima County, Washington and northeasterly of the northeasterly right of way line of SSH No. 11A; EXCEPT: Beginning at the northeast corner of said SW1/4; thence south along the east line thereof 756.36 feet; thence N 30°30' W 467.28 feet; thence N 24°00' W to the northeasterly edge of a slough; thence northwesterly along said slough to the north line of said SW1/4; thence S 89°09'30" E along said north line to the point of beginning, AND EXCEPT: Beginning at a point in the north line of said SW1/4 518.0 feet N 89°09'30" W of the northeast corner thereof; thence S 24°15'30" E 133.5 feet; thence S 35°18'30" E 260.2 feet; thence S 18°07'30" E 201.65 feet; thence N 89°09'30" W 536.0 feet; thence N 1°14'30" W to the north line of said SW1/4; thence S 89°09'30" E to the point of beginning, AND EXCEPT: a certain 5 acre tract heretofore conveyed to the State of Washington for a gravel pit and a 25 foot road as disclosed by instrument recorded under Auditor's File No. 1087516, records of Yakima County, Washington.
Parcel B: That portion of the SE1/4SW1/4 Section 28, T. 13 N., R. 19 E.W.M. lying northwesterly of the northwesterly

* If additional space is needed, please continue on the form: Attachment for Application to Enter a Water Right into the Trust Water Right Program.

right of way line of Keyes Road as disclosed by instrument recorded under Auditor's File No. 1663420, records of Yakima County, Washington, and northeasterly of the northeasterly right of way line of Secondary State Highway No. 11A.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
	<u>SW</u>	<u>28</u>	<u>13 N.</u>	<u>19E.</u>	<u>Yakima</u>		<u>20</u>
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME:							

6. Place of Use (continued)

B. Proposed:

IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED
<u>OPTION 1: Primary reach-only instream flow use within Blue Slough, from Blue Slough's Yakima River 'diversion point' at POD No. 1 above, in the NE1/4NW1/4 of Section 28, T. 13 N., R. 19 E.W.M., downstream in Blue Slough to the termination of this primary reach-only trust water right at Blue Slough's point of discharge/return to the Yakima River in the NW1/4 of Section 9 and the E1/2 of Section 8, T. 12 N., R. 19 E.W.M.; OR</u>
<u>OPTION 2a.: Primary reach-only instream flow use in the Yakima River, from Blue Slough's 'diversion point' at POD No. 1 above, in the NE1/4NW1/4 of Section 28, T. 13 N., R. 19 E.W.M., downstream in this side channel to its return to the mainstem Yakima River in the SE1/4NW1/4 of Section 28, and then downstream in the Yakima River mainstem to this trust water right's primary reach termination point at this water right's historic last return flow point to the Yakima River, that being Blue Slough's point of discharge/return to the Yakima River in the NW1/4 of Section 9 and the E1/2 of Section 8, T. 12 N., R. 19 E.W.M.; OR</u>
<u>OPTION 2b.: If this side channel water source for Blue Slough's 'diversion point' POD No. 1 is dry, then this primary reach-only instream flow place of use will begin at the side channel's upstream departure point from the Yakima River mainstem, in the NE1/4SE1/4 of Section 20, T. 13 N., R. 19 E.W.M., and will run downstream in the mainstem Yakima River to Blue Slough's point of discharge/return to the Yakima River in the NW1/4 of Section 9 and the E1/2 of Section 8, T. 12 N., R. 19 E.W.M.</u>

7. Remarks and Other Relevant Information:

- Existing Yakima River POD: 400 feet south and 1000 feet west from the north quarter corner of Section 28, being within the NE1/4NW1/4 of Section 28, T. 13 N., R. 19 E.W.M.
- Existing Blue Slough POD: 650 feet south and 150 feet west of the center of Section 28, being within the NE1/4SW1/4 of Section 28, T. 13 N., R. 19 E.W.M. <u>[As confirmed by the Yakima Adjudication CFO for Subbasin No. 24 (Moxee)]</u>
<p>This November 10, 1964 priority fish propagation and recreation water right was exercised continuously by the previous owners of the water right, Bob Grimsey and his successor in interest Merlin Horn, et ux., and was confirmed by the Yakima Adjudication Court's May 9, 2002 Conditional Final Order for Subbasin No. 24 (Moxee). The U.S. Bureau of Reclamation, with federal Yakima River Basin Water Enhancement Project (YRBWEP) funding, purchased the former KOA campground and this appurtenant Yakima River/Blue Slough water right on September 19, 2008, for the purposes of restoring and enhancing floodplain riparian and wetland habitat on the property and augmenting instream flows for fish and other wildlife in Blue Slough and the Yakima River.</p> <p>The U.S. Bureau of Reclamation has not fully exercised this water right as a diversionary water right since its September 19, 2008 purchase of the water right, because the Yakima River side channel feeding water into the Blue Slough controlling works at Flood Gate (FG) 30 in the flood control levee in Yakima Sportsman State Park has been dewatered for much of the irrigation season since Reclamation's purchase of this water right.</p> <p>In early 2010, Reclamation crews removed a gravel berm in the Yakima River blocking water flow from entering the side channel that feeds Blue Slough. This action restored Blue Slough flows for several months in spring and early summer of 2010. More work remains to be done by Reclamation crews to once again remove the blocking gravel berm that has been redeposited and to further remove sediment deposits in the side channel in order to fully restore Blue Slough flows.</p> <p>Furthermore, Blue Slough flow and habitat restoration efforts by several agencies and</p>

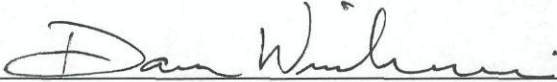
partners are on hold while a larger flood hazard reduction and floodplain function restoration project is being developed for this area by the Yakima County Flood Control Zone District. This project would move a portion of the current flood control levee on the east bank of the Yakima River farther to the east, to a more upland location farther from the Yakima River floodway, thus reducing local flood hazard and restoring floodplain function and riparian habitat, and is contingent upon winning U.S. Army Corps of Engineers project authorization and funding. The Corps of Engineers has been under a 'no new starts' directive from Congress since 2009, so this project has been on hold for awhile. However, the Corps of Engineers currently has emergency repairs that must be made on an eroding portion of this levee; so instead of making those repairs on the old levee, the Corps of Engineers and Yakima County have now decided to move forward with the larger levee setback and flood hazard reduction project. Blue Slough flow restoration and habitat improvement as a possible side channel habitat for fish and wildlife production is a component of this larger conceptual floodplain function restoration project.

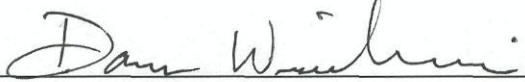
Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.

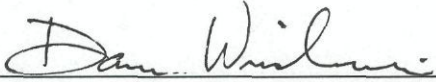
Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

8. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I hereby grant staff from the Department of Ecology access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.

 1/23/12
(Applicant) (Date)

 1/23/12
(Water Right Holder) (Date)

 1/23/12
(Land Owner(s) of Existing Place of Use) (Date)

IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- ☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION _____ IS INCOMPLETE
☐ OTHER/EXPLANATION: _____

STAFF: _____ DATE: ____/____/____